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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kang Soo Seo

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30593

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EXAMINER

KHAN, ASHER R

ART UNIT

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2481

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/759,461	SEO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ASHER KHAN	2481	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11,26-29,32-35,39-42,46-49 and 53-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11,26-29,32-35,39-42,46-49 and 53-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/23/2010;11/30/2010</u> .                                   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1- 11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Said claim discloses a recording medium. Both said claim and the respective specification ("A high-density recording medium such as a high density optical disk, for example, a Blu-Ray ROM (BD-ROM), BD-RE, etc." para. 0029) fail to disclose whether said recording medium is limited to a non-transitory medium or transitory propagating signal. Reading said claim under the broadest reasonable interpretation recording medium is considered to read on a transitory propagating signal. See the Subject Matter Eligibility of Computer Readable Media memo dated February, 23 2010 (1351 OG 212). A claim directed to only signals per se is not a process, machine, manufacture, or composition of matter and therefore is not directed to statutory subject matter. See MPEP § 2106. Thus, both said claim and said specification fail to define said recording medium to be statutory media.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 1-11, 26-29, 32-35, 39-42, 46-49 and 53-56 are rejected under 35**

**U.S.C. 103(a) as being anticipated by U.S. Patent Pub. 2002/0164152 A1 to Kato et al. "Kato" in view of U.S. Patent Pub. 2006/0036960 Loui, in view of U.S. Patent Pub. 2004/0001704 A1 to Chan et al. "Chan", in view of U.S. Patent Pub. 2008/0166067 A1 to Roth et al. "Roth" and in further view of U.S. Patent 6250928 to Poggio et al "Poggio".**

As to claim 1, 26, 27, 28 and 29, Kato discloses an apparatus for recording a data structure for managing reproduction of at least one still picture on a recording medium, the apparatus comprising:

a pick up configured to record data on the recording medium (Fig. 1, Readout unit 26);  
a controller configured to control the pick up (Fig. 1, element 26) to record at least one playlist file on the recording medium (Fig. 1, controller 23), the playlist file including at least one playitem (Fig. 7, Para. 0154), at least one sub-playitem (Fig. 7) and mark information (Figs. 43 and 79; Paras. 0160; 0188-0190), the playitem indicating an in-point and an out-point of a first clip stream (Fig. 7 shows in point and out point, MAIN PATH; MAIN AV STREAM) file, the first clip stream file including presentation data (still picture data of video data), the presentation data being divided into at least one still picture unit, the playitem including duration information indicating whether to display the at least one still picture for one of a finite period of time (in\_time and out time, figs. 2 and 3; Paras. 0170-0172; in and out times is a finite duration of time), the sub-playitem associated with the playitem and indicating an in-point and an out-point of a second clip

stream file, the second clip stream file including audio data (Fig. 7), the mark information including at least one mark pointing to the still picture (Para. 0152).

Kato does not expressly disclose the first clip stream file not including audio data, the still picture unit including the at least one still picture and associated graphic data, the still picture and associated graphic data in the still picture unit configured to be reproduced synchronously and to display atleast one still picture for an infinite period of time, the still picture being configured to be displayed until user input is received if the duration information indicates the infinite period of time and the still picture unit configured to be reproduced asynchronously from the audio data.

Loui discloses the first clip stream file not including audio data (Para. 0041, e.g. digital video segments without sound), the still picture unit including the at least one still picture (digital still images, Paras. 0011, 0041) and associated graphic data (Multimedia objects can comprise only one type of object or a any combination, Para. 0041)

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato with the teachings of Loui. Rationale to combine would have been that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Kato and Loui as modified do not expressly disclose the still picture and associated graphic data in the still picture unit configured to be reproduced synchronously and to display atleast one still picture for an infinite period of time, the

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still picture being configured to be displayed until user input is received if the duration information indicated the infinite period of time and the still picture unit configured to be reproduced asynchronously from the audio data.

Chan discloses the still picture and associated graphic data in the still picture unit configured to be reproduced synchronously (Para. 0025).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato and Loui as modified with the teachings of Chan. Rationale to combine would have been that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Kato, Loui and Chan as modified do not expressly disclose to display atleast one still picture for an infinite period of time, the still picture being configured to be displayed until user input is received if the duration information indicated the infinite period of time and the still picture unit configured to be reproduced asynchronously from the audio data.

Roth discloses to display atleast one still picture for an infinite period of time, the still picture being configured to be displayed until user input is received if the duration information indicated the infinite period of time (presentation of image for infinite cell still, Para. 0010).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato, Loui and Chan as modified with the teachings of Roth.

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Rationale to combine would have been that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Kato, Loui, Chan and Roth as modified do not expressly disclose the still picture unit configured to be reproduced asynchronously from the audio data.

Poggio discloses the still picture unit configured to be reproduced asynchronously from the audio data (Col. 4 lines 55-66).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato, Loui, Chan and Roth as modified with the teachings of Poggio. Rationale to combine would have been that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claims 2, Kato, Loui, Chan, Roth and Poggio as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a type indicator indicating that the mark is of a type used for pointing to a still picture (“...The picture indicating such mark point is termed mark thumb nail...”, Paras. 0193-0194).

As to claim 3, Kato, Loui, Chan, Roth and Poggio as modified disclose everything

claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (Para. 0189).

As to claim 4, Kato, Loui, Chan, Roth and Poggio as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a playitem indicator indicating the playitem with which the at least one mark is associated (Paras. 0189, 0190,0294; Fig. 44).

As to claims 6, Kato, Loui, Chan, Roth and Poggio as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the mark includes a time stamp indicating a time address of the still picture in the first stream file (Paras.0189, 0299).

As to claims 7, Kato, Loui, Chan, Roth and Poggio as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the mark includes a playitem indicator indicating the playitem with which the mark is associated (Paras. 0189, 0190,0294; Fig. 44).

As to claim 8, Kato, Loui, Chan, Roth and Poggio as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (Paras. 0189, 0299).

As to claim 9, Kato, Loui, Chan, Roth and Poggio as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a playitem indicator indicating the playitem with which the atleast one



mark is associated (Paras. 0189, 0190, 0294; Fig. 44).

As to claim 10, Kato, Loui, Chan, Roth and Poggio as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the mark information includes a number of marks, and the mark information includes a number indicator indicating the number of marks (Para. 0298).

As to claim 11, Kato, Loui, Chan, Roth and Poggio as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein, for each mark, the mark information provides a type indicator indicating a type of the at least one mark (Paras. 0189, 0190, 0294, 0298; Figs 43-44)

As to claims 33, 40, 47, 54, Kato, Loui, Chan, Roth and Poggio as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (Paras. 0189; 0299), and the at least one mark includes a playitem indicator indicating the playitem with which the at least one mark is associated (Fig. 44; 0189; 0190; 0294).

As to claims 34, 41, 48, 55, Kato, Loui, Chan, Roth and Poggio as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (Paras. 0189; 0299), and the at least one mark includes a playitem indicator indicating the playitem with which the at least one mark is associated (Fig. 44; Paras. 0189-0190; 0294).

As to claims 35, 42, 49, 56, Kato, Loui, Chan, Roth and Poggio as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the mark information provides a type indicator indicating a type of the at least one mark (Figs. 43-44; 0189-0190; 0294; 0298).

As to claims 5, 32, 39, 46, and 53, Kato, Loui, Chan, Roth and Poggio as modified disclose everything claimed as applied in claim 1 above. In addition Kato discloses wherein the at least one mark includes a mark type indicator indicating that the at least one mark is of a type that provides a point to skip to (Fig. 43). Kato does not expressly disclose when displaying a slideshow of still pictures. Ando discloses displaying a slideshow of still pictures (Para. 0142).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato and Seo as modified with the teaching of Ando. Motivation would have been to provide a skipping function having a "skip increment" in a slide show to skip between multiple images.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on (571)272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. K./

Examiner, Art Unit 2481

/Peter-Anthony Pappas/

Supervisory Patent Examiner, Art Unit 2481